



STATE OF MAINE

JOHN E. BALDACCI
GOVERNOR

DEPARTMENT OF CONSERVATION
LAND USE REGULATION COMMISSION
18 ELKINS LANE - HARLOW BUILDING
22 STATE HOUSE STATION
AUGUSTA, ME 04333-0022



PATRICK MCGOWAN
COMMISSIONER

Memorandum

June 27, 2007

TO: Commission Members
FROM: Agnieszka Pinette, Senior Planner, Land Use Regulation Commission.
SUBJECT: Staff Recommendation, requests for Intervenor status pertaining to Zoning Petition ZP 707 to implement a proposed Concept Plan in the Moosehead Lake Region (Plum Creek Maine Timberlands, L.L.C., and Plum Creek Land Company).

Background

On April 27, 2007, Plum Creek Maine Timberlands, L.L.C. and Plum Creek Land Company (Plum Creek) submitted to the Land Use Regulation Commission an amended Petition for Rezoning to implement a concept plan on its ownership in the Moosehead Lake region. LURC staff conditionally accepted for processing the amended Petition on May 18, 2007, and the Chair of the Commission concurrently set a deadline of June 20, 2007 for filing with LURC petitions to intervene by interested parties.

Requests for Intervenor Status

Staff received 32 Petitions to Intervene (enclosed) from the following parties in the matter of Zoning Petition ZP 707. All Petitions to Intervene were received by LURC on or before 5:00 p.m. on June 20, 2007.

1. Alliance of Trail Vehicles of Maine, c/o Dan Mitchell, Executive Director (received 06/20/2007).
2. Appalachian Mountain Club, c/o Walter Graff, Deputy Director (received 06/19/2007).
3. Bangor Region Chamber of Commerce, c/o Candace A. Guerette, President (received 06/20/2007).
4. Coalition to Preserve and Grow Northern Maine, c/o Thomas B. Federle, Legal Counsel (received 06/20/2007).
5. Forest Ecology Network, c/o Lynne A Williams, Legal Counsel (received 06/19/2007).
6. Forest Society of Maine, c/o Alan Hutchinson, Executive Director (received 06/20/2007).
7. FPL Energy Maine Hydro LLC, Merimil Limited Partnership, Owners of Brassua Dam, and Kennebec Water Power Company, Joint Petition, c/o F. Allen Wiley, PE, Vice President (received 06/19/2007).
8. GrowSmart Maine, c/o Alan Caron, President (received 06/19/2007).
9. Maine Bowhunters Association, c/o Don Kleiner, Legislative Liaison (received 06/19/2007).
10. Maine Mills, c/o C. Charles Lumbert, President (received 06/19/2007).
11. Maine Professional Guides Association, c/o John Rust, Vice President (received 06/20/2007).

Land Use Regulation Commission
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12. Maine Snowmobile Association, Inc., c/o Bob Meyers, Executive Director (received 06/19/2007).
13. Maine State Chamber of Commerce, c/o Dana F. Connors, President (received 06/20/2007).
14. Maine Tourism Association, c/o Vaughn Stinson, CTC, Chief Executive Officer (received 06/15/2007).
15. Maine Wilderness Guides Association, c/o Kevin Slater, Co-President (received 06/19/2007).
16. Maine Woods Coalition, c/o Anne Mitchell, President and Steering Committee Chairwoman (received 06/17/2007).
17. Moosehead Region Futures Committee, c/o Wendy Weiger, Coordinator (received 06/06/2007).
18. Native Forest Network – Gulf of Maine, c/o Jim Freeman (received 06/20/2007).
19. Natural Resources Council of Maine and Maine Audubon Society, Joint Petition, c/o Russell B. Pierce, Jr., Legal Counsel for NRCM; Harrison L. Richardson, Legal Counsel for Maine Audubon (received 06/18/2007).
20. Piscataquis County Commissioners c/o Mike Henderson, County Manager (received 06/06/2007).
21. Piscataquis County Economic Development Council, c/o Jack Clukey, President (received 06/11/2007).
22. Professional Logging Contractors of Maine, c/o Edward Gould, Legal Counsel (received 06/20/2007).
23. RESTORE: The North Woods, c/o Philip C. Worden, Legal Counsel (received 06/19/2007).
24. Rockwood Volunteer Fire and Rescue, c/o Norman Quirrion, President (received 06/20/2007).
25. Somerset County Commissioners, c/o Philip Roy, Jr., Chairman (received 06/18/2007).
26. Somerset Economic Development Corporation, Board of Directors, c/o John Doucette, President (received 05/29/2007).
27. Sportsman's Alliance of Maine, c/o George A. Smith, Executive Director (received 06/19/2007).
28. The Maine Highlands Corporation, c/o John Holden, Chairperson (received 06/18/2007).
29. The Nature Conservancy, c/o Philip F.W. Ahrens, Legal Counsel (received 06/19/2007).
30. Town of Greenville, c/o John Simko, Town Manager (received 06/20/2007).
31. Town of Jackman, c/o Kathleen MacKenzie, Town Manager (received 06/19/2007).
32. Western Mountains Foundation, c/o David Herring, Executive Director (received 06/20/2007).

Review Criteria

1. Pursuant to Section 5.13(1) ("Petition for Intervention") of the Commission's Rules for the Conduct of Public Hearings, prior to the commencement of any public hearing of the type described in Section 5.16(1) of these regulations, the Commission may require or allow any person who desires to participate as a party, offer testimony and evidence, and participate in oral cross-examination to file a petition under oath or affirmation for leave to intervene. Notice of the requirement of filing a petition of intervention shall be given in a manner consistent with Section 4.04(7) of these regulations or in such other manner as the Presiding Officer deems appropriate. A petition to intervene shall be granted if it demonstrates that the petitioner is or may be substantially and directly affected by the proceeding.

The Commission may further allow any other interested person to intervene as a party or to participate in more limited manner as the Commission or its Presiding Officer may designate.

A petition for leave to intervene must be filed by the date specified by the Commission or the Presiding Officer or, if an earlier date is not specified, by the date of the public hearing. A petition to intervene which is not timely filed will be denied unless the petitioner shows good cause for failure to file on time. A person permitted to intervene shall become a party to the proceeding and shall be permitted to participate in all phases of the hearing, subject, however, to such limitations as the Commission or Presiding Officer may direct. Petitioners

may be required to consolidate or join their appearances in part or in whole if their interests or contentions are found to be substantially similar and such consolidation would expedite or simplify the hearing without prejudice to the rights of any party or petitioner. A consolidation under this section may be for all purposes of the proceeding, all of the issues of the proceeding or with respect to any one or more issues or purposes thereof.

2. Pursuant to Section 5.14 ("Participation by Interested Persons") of the Commission's Rules for the Conduct of Public Hearings, any person may, in the discretion of the Presiding Officer, be permitted to make oral or written statements on the issues, introduce documentary, photographic and real evidence, attend and participate in conferences and submit written or oral questions of other participants, within such limits and on such terms and conditions as may be fixed by the Commission or the Presiding Officer.
3. Pursuant to Section 5.15 ("Governmental Agencies") of the Commission's Rules for the Conduct of Public Hearings, governmental agencies may notify the Commission of their anticipated participation in any hearing in the form and manner required by Section 5.13(1). Such governmental agencies shall, upon having filed such notice, be entitled to all rights of an Intervenor in such proceedings. Representatives of governmental agencies may participate in their official capacity only if representing the views of the agency on whose behalf they appear, and not personal views and opinions. Governmental agencies may still provide testimony at the hearing without filing a notice under this section.

Staff Recommendation

Based on the petitions submitted by the parties requesting Intervenor status, the staff concludes that all parties have demonstrated that the parties are or may be substantially and directly affected by the proceeding for Zoning Petition ZP 707, in accordance with Section 5.13 of the Commission's Rules. Staff, therefore, recommends that the Commission:

- (1) Conditionally approve the petitions to intervene in the proceeding for Zoning Petition ZP 707 for all 32 parties requesting such status, subject to paragraph (2), below; and
- (2) Delegate to the Chair of the Commission the authority to make final determinations as to:
 - a. which of the 32 petitioning parties should be approved for full intervenor status, and which should be approved for Interested Person status, pursuant to Section 5.14 of the Commission's rules; and
 - b. consolidation of Intervenor and/or Interested Persons into groupings pursuant to Section 5.13 of the Commission's Rules.

Enclosures: Petitions to Intervene.
XC: Zoning Petition ZP 707 file.
